

By: Swinford

H.B. No. 16

A BILL TO BE ENTITLED

AN ACT

relating to financing certain capital expenditures of state agencies with savings from utility cost savings contracts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2113, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. RESTRICTIONS ON CAPITAL EXPENDITURES

Sec. 2113.301. PREFERENCE FOR FINANCING CERTAIN CAPITAL EXPENDITURES WITH MONEY GENERATED BY UTILITY COST SAVINGS CONTRACT.

(a) In this section:

(1) "State facility purpose" means a purpose related to:

(A) the maintenance of a state-owned or state-leased building or facility; or

(B) a project as defined by Section 2166.001, including a project described by Section 2166.003.

(2) "Utility cost savings contract" means a contract under Subchapter I, Chapter 2166, or other law that guarantees utility cost savings for energy conservation measures to reduce energy or water consumption or to reduce operating costs of governmental facilities.

(b) Before a state agency may use appropriated money to make a capital expenditure for a state facility purpose, the state agency must determine whether the expenditure could be financed

1 with money generated by a utility cost savings contract.

2 (c) If it is practicable to do so, a state agency that is
3 using appropriated money must finance a capital expenditure for a
4 state facility purpose with money generated by a utility cost
5 savings contract.

6 (d) If it is not practicable for a state agency that is using
7 appropriated money to finance a capital expenditure for a state
8 facility purpose with money generated by a utility cost savings
9 contract, the state agency must provide justification to the
10 comptroller for the capital expenditure.

11 (e) In determining under Subsection (b) whether a capital
12 expenditure could be financed by a utility cost savings contract, a
13 state agency must consider whether utility cost savings generated
14 by any department of that agency could be a potential means of
15 financing a capital expenditure for any department of that agency.
16 Money generated by a utility cost savings in one department of a
17 state agency may be used to finance capital expenditures for a state
18 facility purpose in any department of that agency.

19 (f) This section does not apply to an institution of higher
20 education as defined by Section 61.003, Education Code.

21 (g) This section does not apply to a capital expenditure for
22 a state facility purpose that requires expeditious action to:

23 (1) prevent a hazard to life, health, safety, welfare,
24 or property; or

25 (2) avoid undue additional cost to the state.

26 (h) The Texas Building and Procurement Commission shall
27 appoint a task force to develop design recommendations that are to

1 be used for state facilities and that encourage rain harvesting and
2 water recycling by state agencies using appropriated money to
3 finance a capital expenditure for a state facility purpose.

4 SECTION 2. This Act takes effect on the 91st day after the
5 last day of the legislative session.